Intelligence Bill Called 'Overreaction' to Abuses

6/16/78

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Former U.S. intelligence officers protested yesterday that a Senate plan for restructuring the nation's intelligence community would come close to stopping all covert operations.

Continuing a series of intelligence-establishment complaints about the omnibus bill, the Association of Former Intelligence Officers assailed it at a Senate hearing as far too restrictive, "an overreaction to a few abuses of the past," in the face of a growing Soviet threat.

Association President Richard G. Stilwell, a retired Army general who once served as the Central Intelligence Agency's chief of covert actions for the Far East, said his organization also feels that the bill is mislabeled in being called "the National Intelligence Reorganization and Reform Act of 1978."

'The word 'reform' has an unfortunate connotation which is an affront to the thousands of dedicated employes of the intelligence community who were never aware of, (and never) participated in, the very few transgressions which led to the many sensational charges of the past few years," Stilwell told the Senate Intelligence Committee.

A dissenting voice came from Morton Halperin, director for the nonprofit Center for National Security Studies, who protested that the bill already represented an unwise retreat in many respects from changes advocated in 1976 by the first Senate Intelligence Committee under Frank Church (D-Idaho).

"The record shows that not only have the intelligence agencies consistently chosen to ignore the law in the past and do the things which they knew to be illegal, it also shows that they gave a broad interpretation to all of the authority which they did have," Halperin said.

But where the Church committee recommended that covert operations be limited to extraordinary situations, Halperin told the committee, the proposed Senate measure, S. 2525, would seek to control them largely by requiring reports on such undertakings to just one committee in each house of the Congress, rather than the current number of four in each house.

Under current law, covert operations can be undertaken only on a presidential finding that they are "important to the national security." The Senate bill would require that they be "essential to the conduct of the foreign policy or the national defense."

But while Halperin contended that such a finding would be more and more lightly made, Stillwell charged that the bill, as written, "is virtually a decision to stop all clandestine operations, not only positive collection and counter-intelligence but also covert action."

In addition to other presidential approvals required by the bill, all covert operations "must be reviewed and personally approved by the president," Stilwell said. "We submit that this mountain of red tape . . . is an intolerable burden on the highest levels of government."

The head of the retired spy group, which claims more than 2,500 members, was even more critical of proposed controls on surveillance of foreign intelligence operations in this country. The Senate has already approved legislation to require the issuance of judicial warrants for such surveillance.

Stilwell denounced the idea, insofar as it applies to "agents of foreign powers," as "incredible . . . unnecessary" and even "unconstitutional." He said it ought to be called "An Act to Convey Fourth Amendment Rights on the Soviet Embassy and all KGB Officers in the United States and All Other Foreigners."

Committee Chairman Birch Bayh (D-Ind.) said he was surprised to hear such outspoken objections to bringing the federal judiciary into the picture. "Are you afraid we're not going to be able to find a federal judge we can trust?" Bayh wondered.